

Sponsor: Denison
First Reading: 7/10/2023
Second Reading: waived

ORDINANCE #69-23

AN ORDINANCE ESTABLISHING IMPACT FEES IN THE TOWN OF WYOMING

WHEREAS, the Town of Wyoming is authorized pursuant to Section 35 of the Town Charter to impose impact fees that are “reasonably and proportionally calculated to recover the cost of installing, enlarging, improving, or expanding public or municipal improvements;”

WHEREAS, in the opinion of the Town Council of the Town of Wyoming, new construction in the Town of Wyoming causes a strain on the municipal government of the Town of Wyoming, making it difficult for the Town to provide the same level of services; and

WHEREAS, in the opinion of the Town Council of the Town of Wyoming, it is necessary and in the best interest of the public health, safety, and welfare to establish an impact fee on all new construction in the Town in order to offset the costs associated with providing municipal services for the new construction.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in Council duly met, that “An Ordinance Establishing Impact Fees in the Town of Wyoming” be and hereby is adopted, as follows, to wit:

Section 1. Purpose. The Town of Wyoming seeks to provide cost effective municipal services to the Town’s residents and property owners, including but not limited to storm sewer and drainage services, street lighting and signage, traffic control devices, streets, curbs, sidewalks, gutters, municipal parks, police, fire, code enforcement, emergency protection, and general administrative services to the residents and properties of the town. The Town Council finds that new construction causes a strain on the municipal services provided by the Town of Wyoming, and it is necessary for the health, safety, and welfare of residents to impose appropriate impact fees on new construction in order to finance capital improvements and/or improvements to municipal services related to new construction.

Section 2. Applicability. This Ordinance applies to all new construction in the Town of Wyoming. For purposes of this Ordinance, properties with new construction include (a) all existing undeveloped lots in existence as of the effective date of this Ordinance for which a building permit is sought and (b) all new lots created as part of a subdivision of land after the effective date of this Ordinance.

Section 3. Obligation to pay. Property owners shall pay all impact fees prior to final approval of a subdivision plan that will create new lots in the Town of Wyoming. For any undeveloped lots in existence as of the effective date of this Ordinance or any non-residential subdivisions, impact fees shall be paid prior to the issuance of a building permit.

Section 4. Amount of impact fees.

- (a) Residential Impact Fee. The impact fee for each residential lot shall be \$600.
- (b) Non-residential Impact Fee. The impact fee for all non-residential lots shall be \$0.25 per square foot of improved building space.

Section 5. Impact fee subject to adjustment for inflation. Annually, beginning January 1, 2024, the amount of the impact fees set forth herein shall automatically be increased to reflect inflation based upon changes in the consumer price index as established by the U.S. Department of Labor for the Philadelphia-Wilmington-Atlantic City (Pennsylvania, New Jersey, Delaware, Maryland) region for the preceding 12 months; provided however, that the town council may act, by resolution, to waive or to increase the adjustment more than the posted change in the CPI for the following year.

Section 6. Allocation of impact fees. All impact fees collected by the Town shall be earmarked to be used for improvements that are consistent with the purposes of this Ordinance.

Section 7. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council's intent.

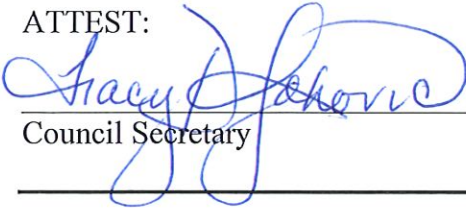
Section 8. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This Ordinance establishes impact fees in the Town of Wyoming for general municipal services in the amount of \$600 per residential lot and \$0.25/sq. ft. for non-residential development. Impact fees shall be paid prior to the final approval of a residential subdivision plan. For vacant lots in existence as of the effective date of this ordinance or non-residential subdivisions, impact fees shall be paid prior to the issuance of a building permit. Impact fees are subject to increase based on inflation, and impact fees shall be earmarked for improvements in the Town.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Wyoming at its regular Council meeting on July 10, 2023.

ATTEST:



Council Secretary



Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on July 11, 2023.

So Certifies:

7-11-23
Date